

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
SEP 27 2004

Litchfield Financial Corporation, *et al.*,

Plaintiffs

v.

Buyers Source Real Estate Group, *et al.*,

Defendants

No. 04-CV-30076-KPN

PLAINTIFFS' NOTICE OF DISMISSAL OF DEFENDANT J. VANCE STALLINGS

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), Plaintiffs Litchfield Financial Corporation, Textron Financial Corporation, and Land Finance Company voluntarily dismiss this action without prejudice against Defendant J. Vance Stallings, Esq., in his individual capacity.

Mr. Stallings has provided to the Plaintiffs a declaration, pursuant to 28 U.S.C. § 1746(2), stating that he had no involvement in any of the actions, omissions, or other allegations in the Complaint concerning the Plaintiffs and the other defendants. In particular, he had no participation in the preparation in 1999 of the opinion letter issued by Hudgins & Stallings referenced in the Complaint, nor did he have any involvement in that law firm's or Mr. Hudgins' activities relating to the Buyers Source entities or Buyers Source-related defendants. In view of this declaration, Plaintiffs have agreed to dismiss their claims against Mr. Stallings without prejudice.

Mr. Stallings has not served an answer or a motion for summary judgment to Plaintiffs' Complaint. Accordingly, Plaintiffs are entitled to invoke Rule 41(a)(1)(i) to dismiss this action against Mr. Stallings, in his individual capacity, as of right.

Dated: September 27, 2004

Respectfully submitted,
Counsel for Plaintiffs

LITCHFIELD FINANCIAL COMPANY
TEXTRON FINANCIAL CORPORATION
AND LAND FINANCE COMPANY

By: _____

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Counsel for Plaintiffs

WDC/285917.1

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail ~~by hand~~.

Date: 9/27/04